

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Scott D. Baker (SBN 84923)
Email: sbaker@reedsmith.com
Furqan A. Nanji (SBN 250972)
Email: fnanji@reedsmith.com
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

Maria N. Bernier (*pro hac vice*)
Email: mbernier@reedsmith.com
Barry J. Coyne (*pro hac vice*)
Email: bcoyne@reedsmith.com
REED SMITH LLP
Reed Smith Centre
225 Fifth Avenue
Pittsburgh, PA 15222-2716
Telephone: (412) 288-3131
Facsimile: (412) 288-3063

Attorneys for Defendants
RICON CORP. and WESTINGHOUSE AIR
BRAKE TECHNOLOGIES CORPORATION
dba VAPOR BUS INTERNATIONAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LIFT-U, A DIVISION OF HOGAN MFG., INC.,
a California corporation,

Plaintiff,

vs.

RICON CORP., a California corporation, and
WESTINGHOUSE AIR BRAKE
TECHNOLOGIES CORPORATION dba
VAPOR BUS INTERNATIONAL, a Delaware
Corporation,

Defendants.

LARIVIERE, GRUBMAN & PAYNE, LLP
Robert W. Payne, Esq. (Bar No. 073901)
Email: rpayne@lgpatlaw.com
Scott J. Allen, Esq. (Bar No. 178925)
Email: sallan@lgpatlaw.com
Post Office Box 3140
19 Upper Ragsdale Drive
Monterey, CA 93942-3140
Telephone: (831) 649-8800
Facsimile: (831) 649-8835

Attorneys for Plaintiff/Counter-Defendant
LIFT-U, A DIVISION OF HOGAN MFG.,
INC.

No.: C 10-01850 (CW)

**STIPULATED REQUEST AND
[PROPOSED] ORDER REGARDING
DEPOSITIONS**

[Civil L.R. 6-2 and 7-12]

Pursuant to Local Rules 6-2 and 7-12, Plaintiff Lift-U, a division of Hogan Mfg., Inc. (“Plaintiff”), on one hand, and Defendants Ricon Corp. (“Ricon”) and Westinghouse Air Brake Technologies Corporation (collectively, “Defendants”), on the other hand, hereby request permission to proceed with three depositions beyond the close of claim construction discovery set forth in the Court’s Case Management Order (Doc. # 44) and Second Joint Case Management Statement (Doc No. 43) due to the unavailability and scheduling of the witnesses. In support of such request, the parties state as follows:

1. On February 9, 2011, the Court issued its Case Management Order (Doc # 44), which adopted, with certain modifications, the scheduling plan contained in the parties’ Second Joint Case Management Statement (Doc # 43) (collectively, the “Case Management Order”).

2. Pursuant to the Case Management Order, the deadline for completion of claim construction discovery is set for June 17, 2011.

3. In accord with the discovery period for claim construction, Defendant Ricon served notices of deposition for the named inventors of the patents-in-suit asserted by Plaintiff and has requested the deposition of the prosecuting attorney of the patents-in-suit before the United States Patent and Trademark Office.

4. As set forth in the accompanying declaration, due to the unavailability of such witnesses prior to June 17, 2011, Plaintiff has confirmed that each of the above witnesses are available during the week of June 27, 2011. The parties are agreeable to taking the depositions of these witnesses during such week.

5. The parties have complied with each of the previous deadlines set forth in the Court’s Case Management Order, and the above depositions will not affect the briefing schedule for claim construction and summary judgment or any other deadlines set by the Case Management Order.

6. The parties therefore respectfully request that the Court permit the above-referenced three depositions to proceed beyond the close of claim construction discovery during the week of June 27, 2011.

Accordingly, and for good cause shown, the parties request that the Court permit the above-referenced depositions to proceed during the week of June 27, 2011.

IT IS SO STIPULATED.

Dated: June 3, 2011.

REED SMITH LLP

LARIVIERE, GRUBMAN & PAYNE, LLP

By: /s/ Furqan A. Nanji
Furqan A. Nanji
Attorneys for Defendants
RICON CORP. and WESTINGHOUSE AIR
BRAKE TECHNOLOGIES CORPORATION
dba VAPOR BUS INTERNATIONAL

By: /s/ Scott J. Allen *
Scott J. Allen
Attorneys for Plaintiff
LIFT-U, A DIVISION OF HOGAN MFG., INC.

**Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Furqan A. Nanji hereby attests that concurrence in the filing of this document has been obtained.*

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: June 6, 2011.



Hon. Lucy H. Koh
United States District Court Judge